

Attorney Docket No. CPMC-005/00US

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Li-Xi YANG

Examiner: Not Yet Assigned

Serial No.: 10/612,240

Art Unit: 1614

Confirmation No.: 3322

Customer No.: 23419

Filed: July 1, 2003

For: **PODOPHYLLOTOXIN DERIVATIVES**

Mail Stop Missing Parts
Commissioner for Patents
Washington, D.C. 20231

**POWER BY ASSIGNEES
AND STATEMENT UNDER 37 C.F.R. §3.73(b)**

California Pacific Medical Center (CPMP) and Catholic Healthcare West, doing business as St. Mary's Medical Center (CHW), the Assignees of the entire right, title, and interest in the above-identified application hereby grants the registered practitioners of Cooley Godward LLP included in the Customer Number provided below power to act, prosecute, and transact all business in the U.S. Patent and Trademark Office in connection with this application, any applications claiming priority to this application, and any patents issuing therefrom.

The Assignees certify that to the best of their knowledge and belief they are the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

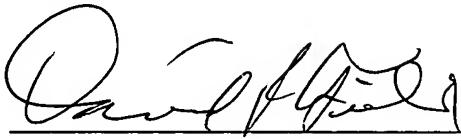
- ☐ An assignment document, a copy of which is enclosed herewith;
- ☒ An assignment previously recorded in the U.S. Patent and Trademark Office at Reel 014168, Frame 0504.

Please direct all telephone calls and correspondence to:

COOLEY GODWARD LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

CUSTOMER NUMBER: **23419**

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Date: 1/28/04 Signature: 
Name: David R Fielder
Title: VP Research
Company: California Pacific Medical Center

Date: _____ Signature: _____
Name: _____
Title: _____
Company: Catholic Healthcare West, dba
St. Mary's Medical Center

Attorney Docket No. CPMC-005/00US

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CUSTOMER NUMBER: **23419**


The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Date: _____ Signature: _____

Name:

Title:

Company: California Pacific Medical Center

Date: 3/31/04 Signature: 

Name:

Title:

Company: Hospital President
Catholic Healthcare West, dba
St. Mary's Medical Center

Attorney Docket No: CPMC-005/00US

PATENT

ASSIGNMENT
(Sole)

COPY

Li-Xi Yang residing at 15 Springfield Drive, San Francisco, CA 94132 (referred to as "Assignor") has made an invention(s) (the "Invention(s)") set forth in an application for patent of the United States, entitled **PODOPHYLLOTOXIN DERIVATIVES**, and which is a:

- (1) ☐ provisional application
- (a) ☐ to be filed herewith; or
- (b) ☐ bearing Application No. , and filed on ; or
- (2) ☒ non-provisional application
- (a) ☐ to be filed herewith; or
- (b) ☒ bearing Application No. 10/612,240, and filed on July 1, 2003.

WHEREAS, California Pacific Medical Center, a corporation duly organized under and pursuant to the laws of California, and having its principal place of business at 2200 Webster Street, Suite 514, San Francisco, CA 94115; and Catholic Healthcare West, doing business as St. Mary's Medical Center of San Francisco, and having its principal place of business at 1700 Montgomery Street, Suite 300, San Francisco, CA 94111 (jointly referred to as the "Assignees"), are desirous of jointly acquiring the entire right, title, and interest in: the Invention(s); the application for patent identified in paragraph (1) or (2); the right to file applications for patent of the United States or other countries on the Invention(s); any application(s) for patent of the United States or other countries claiming priority to these application(s); any provisional or other right to recover damages, including royalties, for prior infringements of these applications; and any patent(s) of the United States or other countries that may be granted therefor or thereon.

NOW, THEREFORE, for good and sufficient consideration, the receipt of which is hereby acknowledged, and to the extent that the Assignor has not done so already via a prior agreement with the Assignees, or if the Assignor has already done so via a prior agreement with the Assignees then in confirmation of any obligation to do so in said prior agreement, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignees, their successors, legal representatives, and assigns, the Assignor's entire right, title, and interest in:

- (a) the Invention(s);
- (b) the application for patent identified in paragraph (1) or (2);
- (c) the right to file applications for patent of the United States or other countries on the Invention(s), including all rights under the Paris Convention for the Protection of Industrial Property and under the Patent Cooperation Treaty;

- (d) any application(s) for patent of the United States or other countries claiming the Invention(s);
- (e) any application(s) for patent of the United States or other countries claiming priority to the application for patent identified in paragraph (1) or (2) or any application(s) for patent claiming the Invention(s), including any division(s), continuation(s), and continuation(s)-in-part; and
- (f) any provisional or other right to recover damages, including royalties, for prior infringements of any application for patent identified in the preceding paragraphs (b)-(e); and
- (g) any patent(s) of the United States or other countries that may be granted for or on any application for patent identified in the preceding paragraphs (b) – (e), including any reissue(s) and extension(s) of said patent(s).

The above-granted rights, titles, and interests are to be held and enjoyed by the Assignees, for their own use and behalf and the use and behalf of the successors, legal representatives, and assigns, as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made.

The Assignor hereby represents to the Assignees, the successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, or if applicable, at such time said prior agreement was executed, the Assignor is a lawful owner of an undivided interest in the entire right, title, and interest in and to the Invention(s), that the Invention(s) are unencumbered, except, if applicable, by obligation to assign in accordance with said prior agreement, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner set forth herein.

The Assignor hereby covenants and agrees to and with the Assignees, the successors, legal representatives, and assigns, that the Assignor will sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done in connection with any and all proceedings for the procurement, maintenance, enforcement and defense of the Invention(s), said applications, and said patents, including interference proceedings, without charge to the Assignees, the successors, legal representatives, and assigns, but at the cost and expense of the Assignee, the successors, legal representatives, and assigns.

The Assignor hereby requests the Commissioner of Patents to issue said patents of the United States to the Assignee for the sole use and behalf of the Assignees, the successors, legal representatives, and assigns.

Date: 11/25/03

By: 
Li-Xi Yang



ORIGINAL

PATENT

Attorney Docket No. CPMC-005/00US

Applicant or Patentee: YANG, Li-Xi

Serial No.: 10/612,240

Patent No.:

Filed: July 1, 2003

Issued:

For: **PODOPHYLLOTOXIN DERIVATIVES**

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER
37 C.F.R. §1.27 – NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the organization identified below:

Name of organization: California Pacific Medical Center

Address of organization: 2200 Webster Street, Suite 514
San Francisco, CA 94115

Type of organization:

- ☐ University or other institution of higher education
- ☒ Tax exempt under Internal Revenue Service Code [26 U.S.C. §§501(a) and 501(c)(3)]
- ☐ Nonprofit scientific or educational under statute of a state or the United States of America
(Name of state:)
(Citation of statute:)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code [26 U.S.C. §§501(a) and 501(c)(3)] if located in the United States of America
- ☐ Would qualify as nonprofit scientific organization under statute of state of the United States of America if located in the United States of America
(Name of state:)
(Citation of statute:)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §27(a)(3) for purposes of paying reduced fees under 35 U.S.C. §§41(a) or (b) with regard to the invention identified above and described in:

- ☐ the specification filed herewith;
- ☒ the application identified above; or
- ☐ the patent identified above;

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention;

If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) and 13 C.F.R. §121 or a nonprofit organization under 37 C.F.R. §1.27(a)(3);

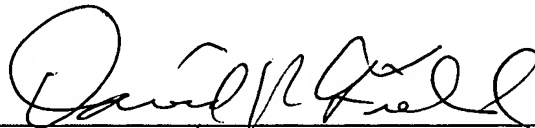
*NOTE: Please obtain separate Assertions of Entitlement to Small Entity Status from each named person, concern or organization having rights to the invention averring to their status as small entities

Name: Catholic Healthcare West, doing business as
St. Mary's Medical Center of San Francisco
Address: 1700 Montgomery Street
Suite 300
San Francisco, CA 94111

☐ Individual ☐ Small Business Concern ☒ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.27(g))

Signature



Date

10/24/03

Name of Person Signing

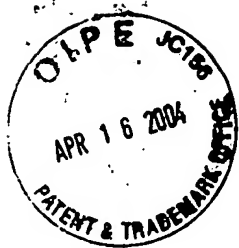
David K. Fielder

Title of person other than owner

VP Research

Address of person signing

California Pacific Medical Center
2200 Webster Street, Suite 514
San Francisco, CA 94115



Attorney Docket No. CPMC-005/00US

PATENT

Applicant or Patentee: YANG, Li-Xi

Serial No.: 10/612,240

Patent No.:

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37 C.F.R. §1.27 – NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the organization identified below:

Name of organization: Catholic Healthcare West, doing business as
St. Mary's Medical Center
Address of organization: 185 Berry St.
San Francisco, CA 94107

formerly at: 1700 Montgomery Street
Suite 300
San Francisco, CA 94111

Type of organization:

- ☐ University or other institution of higher education
☒ Tax exempt under Internal Revenue Service Code [26 U.S.C. §§501(a) and 501(c)(3)]
☐ Nonprofit scientific or educational under statute of a state or the United States of America
(Name of state:)
(Citation of statute:)
☐ Would qualify as tax exempt under Internal Revenue Service Code [26 U.S.C. §§501(a) and 501(c)(3)] if located in the United States of America
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(Citation of statute:)

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- ☐ the specification filed herewith;
☒ the application identified above; or
☐ the patent identified above;

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*NOTE: Please obtain separate Assertions of Entitlement to Small Entity Status from each named person, concern or organization having rights to the invention averring to their status as small entities

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Address: 2200 Webster Street, Suite 514
San Francisco, CA 94115

☐ Individual ☐ Small Business Concern ☒ Nonprofit Organization

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Signature



Date

2/13/04

Name of Person Signing

Ken Steele

Title of person other than owner

Hospital President

Address of person signing

Catholic Healthcare West, doing business as
St. Mary's Medical Center
185 Berry St.
San Francisco, CA 94107